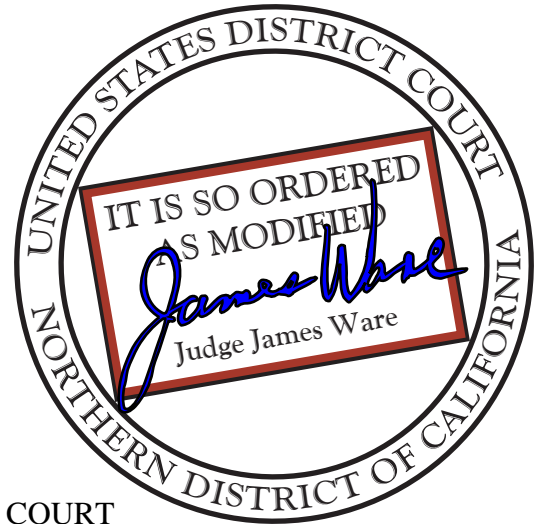


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Attorneys for Defendant
BOSTON SCIENTIFIC CORPORATION



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DONALD MASTERS,

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION,
BOSTON SCIENTIFIC CORPORATION 2000
LONG TERM INCENTIVE PLAN and DOES 1-
50,

Defendant.

No. 5:07-cv-03792-JW

STIPULATION AND [PROPOSED]
ORDER TO RESET HEARING DATE
AND RELATED PRETRIAL DATES

Courtroom: 8
Judge: Hon. James Ware

WHEREAS, on November 3, 2008, Defendant Boston Scientific filed a Motion for Summary Judgment;

WHEREAS, the hearing date for the Motion for Summary Judgment was set for December 8, 2008, at 9:00 a.m.;

WHEREAS, on November 19, 2008, the parties were informed that the hearing date was continued by the Court to December 22, 2008;

WHEREAS, Defendant's lead counsel will be traveling for the holidays from December 20 to January 3 and therefore is unable to argue the Motion on the December 22 hearing date; and

1 WHEREAS, the Court has set January 9, 2009, as the deadline for submitting
2 pretrial filings.

3 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
4 the attorneys of record of the parties in this action, pursuant to the approval of the Court, that:

5 1. The hearing on Defendant's Motion for Summary Judgment is continued
6 from December 22, 2008 to **February 2, 2009 at 9 a.m.**

7 2. The date before which the parties shall meet and confer regarding the Joint
8 Pretrial Conference Statement, and the date by which the Joint Pretrial Conference Statement and
9 *in limine* motions shall be submitted, shall be continued from January 9, 2009 to January 20,
10 2009.

11 DATED: November 20, 2008 Shopoff & Cavallo LLP

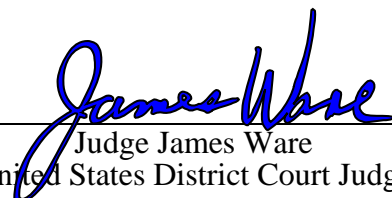
12
13
14 By: _____ /s/
15 Gregory S. Cavallo
16 Attorneys for Plaintiff
17 DONALD MASTERS

18 DATED: November 20, 2008 Bingham McCutchen LLP

19 By: _____ /s/
20 Thomas E. Kuhnle
21 Attorneys for Defendant
22 BOSTON SCIENTIFIC CORPORATION

23 IT IS SO ORDERED AS MODIFIED ABOVE.

24 DATED: November 20, 2008

25
26 
27 _____
28 Judge James Ware
United States District Court Judge